

REMARKS

Claims 1-5 and 10 are amended. Claims 11-12 are newly added. No claims are canceled. Accordingly, after entry of this Amendment, claims 1-12 will remain pending.

In the non-final Office Action dated November 7, 2008, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). In particular, the Examiner stated that the drawings must show each and every feature of the invention specified in the claims. The Examiner found that the “spring” in claim 1, the “relief bore” in claim 3, and the “stop” in claim 4 must be shown or the features removed from the claims.

In response, the Applicant provides new Fig. 5 with this Amendment. Fig. 5 illustrates the features identified by the Examiner. In connection with the addition of Fig. 5, the Applicant has amended the specification to add a brief description of Fig. 5. In addition, the Applicant has amended paragraphs [0011], [0012], [0014], and [0015] and has added paragraph [0015a] so that the description comports with the drawings.

The Applicant respectfully submits that the presentation of Fig. 5 and the amendments made to the specification do not add new matter to this application, because the features were described in the specification and claims with sufficient particularity to be understood by those skilled in the art.

As a result of the addition of Fig. 5 and the amendments made to the specification, the Applicant respectfully submits that the objection to the drawings has been addressed. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Specifically, the Examiner stated that it is unclear what the limitation “the coupler box has a relief bore which leads from the outside to the interior of the receiving bore for the blocking member outside the pressure pipe” means. In response, the Applicant has amended claim 3 to simplify the claim and remove the language to which the Examiner objected. With this amendment to claim 3, the Applicant believes that the Examiner’s rejection of claim 3 has been overcome. As a result, the Applicant respectfully requests that the Examiner withdraw the rejection of claim 3 under 35 U.S.C. § 112, second

paragraph. The Applicant further notes that, to the extent that the deletion of language from claim 3 expands the scope of that claim, this result is intended.

The Examiner rejected claims 1-4 and 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Wuthrich (WO 02/070941) in view of Feldman et al. (U.S. Patent No. 3,871,522). Claims 5 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wuthrich in view of Smith et al. (U.S. Patent No. 2,493,271). The Applicant respectfully disagrees with these rejections and, therefore, respectfully traverses the same.

The present invention differs from the prior art in that it recites a plug-in safety coupling for pressurized pipes that combines a number of features including, among them, (1) a coupler box having a first oblong hole, (2) a blocking member with a diametrical through bore, and (3) a spring-biased, cap-like locking sleeve with a hemispherical front end having a second oblong hole. Since the references applied against the present claims do not describe or suggest at least this combination of features, the Applicant respectfully submits that the references do not support a *prima facie* rejection of the claims in the present application.

As understood from the drawings and the English abstract, Wuthrich describes a plug-in safety coupling with a housing element 1 and a locking element 2. A plug 5 is inserted into the housing 1. The plug 5 may be pivoted as illustrated in Figs. 8-10 from an angled position to an in-line position. (Wuthrich at Figs. 1 and 8-10.)

As recognized by the Examiner, Wuthrich does not appear to describe or illustrate a cap-like locking sleeve rotatably mounted on a coupler box. In addition, the reference does not appear to include a spring to actuate the locking sleeve. Also, Wuthrich does not appear to illustrate a first oblong hole in a coupler box and a second oblong hole in a locking sleeve. As a result, Wuthrich does not provide a disclosure sufficient to support a *prima facie* rejection of the claims under 35 U.S.C. § 103(a).

In fashioning the rejection of the claims, the Examiner noted that Wuthrich fails to disclose a cap being a cap-like locking sleeve wherein the locking sleeve is rotatably mounted on the coupler box and actuated by a spring so that the locking sleeve's oblong hole extends at an angle with respect to a pivoting plane of the blocking member and the plug. In addition, the Examiner noted that Wuthrich does not disclose the oblong hole on the hemispherical front end extending along a great circle. For these features, the Examiner relied upon Feldman, which

describes a self-closing safety container for medicinal tablets. The Applicant respectfully disagrees.

Feldman describes and illustrates a self-closing safety container for dispensing medicinal tablets. In particular, Feldman describes a container 10 with a first part 12 (the container portion) and a second part 14 (the lid portion). (Feldman at col. 2, lines 4-10.) The body and lid 12, 14 rotate with respect to one another and include stops 26, 36 to limit rotation of the two parts 12, 14 with respect to one another. (Feldman at col. 2, lines 29-46.) The body and lid 12, 14 include apertures 28, 33 that, when aligned with one another, permit dispensing of medicament tablets. (Feldman at col. 2, lines 32-36.) A helical compression spring 40 biases the body and lid 12, 14 into a position where the apertures 28, 33 are not aligned with one another. (Feldman at col. 2, lines 46-51.)

With respect to Feldman, the Applicant respectfully submits that it is unlikely for those skilled in the art to look to Feldman as prior art when constructing a plug-in safety coupling. In other words, the Applicant respectfully submits that Feldman is non-analogous art. Even if one skilled in the art were to refer to Feldman for what it teaches, the reference does not overcome the deficiencies noted above with respect to Wuthrich. Specifically, Feldman does not describe or illustrate an oblong hole in a locking sleeve or a housing with a oblong hole to permit pressurized pipes to be connected to one another, among other features.

In addition, it is difficult to envision how Feldman might be combined with Wuthrich in the unlikely instance where a person of ordinary skill in the art consulted to two references. There is no structure in Wuthrich that requires alignment of two apertures with one another. It appears to the Applicant, therefore, that the Examiner is applying hindsight to reconstruct the invention set forth in the claims of the present application by combining disparate features from disparate technology areas. It is not permitted to rely on hindsight to reconstruct a claim when fashioning a rejection under 35 U.S.C. § 103(a). Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

Smith et al. does not correct any of the deficiencies noted above with respect to Wuthrich or Feldman. Smith et al. describes a valved hose coupler with a spherical head 5 into which the tubular stem 19 of the coupling member 16 is inserted. (Smith et al. at col. 2, lines 24-32.) The valve is retained in the operative position by a journal stud 11 that extends through a bearing

hole in the head. (Smith et al. at col. 2, lines 13-15.) The valve is secured in the operative position by a lock nut 13. (Smith et al. at col. 2, lines 15-17.) To disconnect the joint, the coupling member 16 is manipulated through an angle of ninety degrees to the dotted position shown in Fig. 2. (Smith et al. at col. 2, lines 47-50.) When the coupling member 16 is in the position illustrated in Fig. 2, the valve is closed, and the stem of the coupling member 16 may be pulled out of the opening 23. (Smith et al. at col. 2, lines 50-53.) Since Smith et al. does not correct the deficiencies noted above with respect to Wuthrich and Feldman, the Applicant respectfully submits that Smith et al. cannot assist the Examiner with a rejection of claims 5 and 10 in the present application. As such, the Applicant respectfully requests that the Examiner withdraw the rejection involving Smith et al.

Each of the objections and rejections having been addressed, the Applicant respectfully requests that the Examiner withdraw the objections and rejections so that this application may pass quickly to issuance.

If there are any fees required for this submission that are not otherwise accounted for, please charge Deposit Account No. 02-1010. In addition, please credit any overpayments to the same Deposit Account.

Respectfully submitted,

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